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To: Ms. Felicia Allen
United States Patent
and Trademark Office

From: Yaté K. Cutliff
Pendorf & Cutliff

Fax: 1-571-273-0986 **Date:** July 8, 2005

Phone: 571-272-0986 **Pages:** 2 including cover

•Comments:

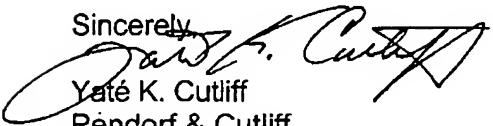
RE: U.S. Patent Application 10/085,390
Inventors: Rothe, Michael
Title: **PROCESS AND APPARATUS FOR THE DETERMINATION
OF PARAMETERS OF A BREATH CONDENSATE "**

Dear Ms. Allen:

Attached is Page 2, the signature page of the Response.

If you should have any questions, please feel free to call me. Thank you for all of your assistance.

Sincerely,



Yaté K. Cutliff

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U.S. Application No.: 10/085,390

RESPONSE TO ELECTION/RESTRICTION REQUIREMENT

Attorney Docket: 3648.034

The position of the Examiner can be found on pages 2-3 of the Office Action.

In response, Applicant elects Group I, Claims 1-11, with traverse.

Traversal is for the following reasons:

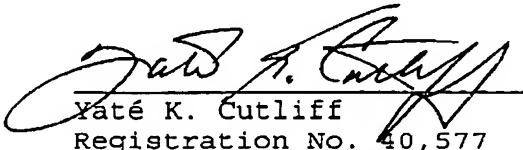
In issuing a Restriction Requirement, the Examiner must satisfy two criteria for a proper restriction of the claims of the application. First, he must show that the application claims independent or distinct inventions, as required by both § 121 and the USPTO rules. Second, the Examiner must show that examining all claims inventions in a single application would constitute a serious burden on the USPTO.

In the instant case, the Examiner fails to show that examining all claims inventions in a single application would constitute a serious burden.

If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

Accordingly, withdrawal of the Restriction Requirement is respectfully requested.

Respectfully submitted,


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